

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2015 SEP 23 PM 1:57

OFFICE OF THE CLERK

John T Reid III
Petitioner

v.

Case No.

8:15CV349

(Supplied by Clerk of Court)

Michael Thurber
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: John Thomas Reid III
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Lancaster county corrections Dept
(b) Address: 3801 West O Street Lincoln NE 68528
- (c) Your identification number: 1048297
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain:
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Judge Matthew Acton
Lancaster court house 575 South 10th St Lincoln NE
(b) Docket number of criminal case: CR1420319
(c) Date of sentencing: May 13th 2015
☐ Being held on an immigration charge
☐ Other (explain):

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SEP-23 2015

CLERK
U.S. DISTRICT COURT
NEBRASKA

Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☒ Disciplinary proceedings
- ☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Lancaster county Jail
- (b) Docket number, case number, or opinion number: couldn't retrieve that info
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
20 days good time loss on May 14th and 10 days good time loss on June 28th of 2015.
- (d) Date of the decision or action: May 14th 2015 and June 28th 2015

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- ☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Ombudsman Office of public Counsel
- (2) Date of filing: July 9th 2015
- (3) Docket number, case number, or opinion number: Couldn't retrieve that info
- (4) Result: No good time was restored
- (5) Date of result: August 18th 2015
- (6) Issues raised: That the punishment administered was excessive due to the facts and circumstances of the write ups.

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(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: ombudsman office of public
Counsel
- (2) Date of filing: September 4th 2015
- (3) Docket number, case number, or opinion number: Couldnt retrieve that info
- (4) Result: Still waiting
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

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(b) If you answered "No," explain why you did not file a third appeal: Still Waiting on
Results of 2nd appeal

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
 (2) Case number: _____
 (3) Date of filing: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
 (2) Case number: _____
 (3) Date of filing: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: The judge in my case sentenced me beyond my Sentencing guideline. I received 270 day Sentence for a 3rd degree domestic when I have no prior violent offenses.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

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- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____
- _____
- _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: Restoration of good time
- (b) Name of the authority, agency, or court: Michael Thurber

- (c) Date of filing: August 27th 2015
- (d) Docket number, case number, or opinion number: _____
- (e) Result: Denied good time restoration
- (f) Date of result: September 2nd 2015
- (g) Issues raised: I addressed the fact that all my major rules violations were within the beginning of my sentence. I haven't had a major rules violation since June.
- _____
- _____
- _____

Grounds for Your Challenge in This Petition

- 13.** State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: The circumstances behind my write up on May 14th 2015.

(a) Supporting-facts (Be brief. Do not cite cases or law.):

I Was written up because I didnt want to be in a cell with Someone who wasnt Showering. I was already in hand cuffs when the Officer started using un-necessary force that caused me pain in my right shoulder. I have Medical history of my right shoulder dislocating due to my Rotator cup and the ligaments supporting it.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: The circumstances behind my write up on June 28th 2015.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I was written up for obstruction when I shouldve been written up for disturbing the peace. The inmate who was in a verbal disagreement with me stopped what he was doing and approached me causing the officer to step in. This same inmate has been the aggressor in several disputes with other inmates. I was cleaning and fulfilling the duties bestowed upon me while we had the verbal disagreement and never provoked the inmate.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: AS of September 7th being placed on 24 hour lockdown.

(a) Supporting facts (Be brief. Do not cite cases or law.):

My name hasnt been brought in any confrontational disputes within N pod. I also lock down on time as im told for any fight or security reason. It is excessive to receive punishment for individual inmates behavior. I am from out of state and having serious family issues throughout my incarceration and cannot talk to them due to this lockdown status. These conditions are oppressive causing deprivation of my

(b) Did you present Ground Three in all appeals that were available to you? Reformation.

☐ Yes

☒ No

GROUND FOUR: Oppressive Conditions

(a) Supporting facts (Be brief. Do not cite cases or law.):

When I was in Segregation I was having an asthma attack and the guard denied me medical attention by saying she wasn't going to notify them for my inhaler cause "it sounded like I could breathe". I wrote a grievance concerning this matter in July that hasn't been addressed. I have asthma, odd and PTSD and these conditions affect me in a negative way.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Ground 3 just occurred, and is after the dates my appeals were produced.

Request for Relief

15. State exactly what you want the court to do: I would like the court to grant me 30 days of good time back seeing that I reconciled my behavior. Due to the facts and nature of the write ups in question me remonstrating them is in all due respect. Please allow these factors to be considered in remittance of my good time.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

September @ 10th 2015

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 9/10/15

John Reid III
Signature of Petitioner

Signature of Attorney or other authorized person, if any

NAME: REID, JOHN THOMAS
NUMBER: 1048297
FACILITY NUMBER: 24183(26199J-002)
BLOCK: N TIER: CELL: N12A
FACILITY NAME: LANDASTER COUNTY JAIL 002
CPR : 100033558
SEG FUND BAL: 21.52
ORDER DATE: 08/25/2015
ORDER : 4852623



4852623100033558

1687293

SAY	SEE #	ALIAS	QTY	UOM	DESCRIPTION	ITEM#	T	PRICE	TOTAL
KA1									
			1	EA	ZC PB CREME COOKIES & D	10055		1.43	1.43
			3	EA	ZC MONSTER ICED BUNEEZ	6043		1.33	3.99
			2	EA	BUTTERFINGER CANDY BAR	80000662		1.12	2.24
			2	EA	TOOTSIE POPS	2047		0.26	0.52
			4	EA	CAJUN CHICKEN RAMEN	18		0.95	3.80
			2	EA	CHILI RAMEN	10		0.95	1.90
			4	EA	HOT & SPICY VEG RAMEN	505		0.95	3.80
			4	EA	CAJUN SHRIMP	15		0.95	3.80

Refund
1-3004
1-3274
2-4005
1-6052

[Large handwritten signature]

SUBTOTAL	21.48
SALES TAX	0.00
ORDER TOTAL	21.48

END FUND BAL 0.04
LIST ITEM# OF SHORTAGES AND/OR DAMAGES QTY CATEGORY/DESCRIPTION

SIGNED John Reid DATE 8/28/15
WITNESSED BY _____ DATE _____

John Reid
Lancaster County Corrections Dept
3801 West O Street
Lincoln, NE 68528

Inmate Name: John Reid
Lancaster County Corrections Department
3801 West O Street
Lincoln, NE 68528



****INMATE MAIL - UNCENSORED****

Office Of The Clerk U.S. District Court
Roman L. Hruska U.S. Courthouse
111 S. 18th Plaza Suite 1152
Omaha, NE 68102-1322

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CLERK
U.S. DISTRICT COURT
OMAHA

